

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Jon R. Tollefson,)	
)	
Plaintiff,)	Case No. 3:11-cv-62
)	
vs.)	ORDER ADOPTING
)	REPORT AND RECOMMENDATION
DeAnn Marie Pladson,)	
)	
Defendant.)	

The Court has received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge, recommending that Jon R. Tollefson's motion to partially dismiss the counterclaims by DeAnn Marie Pladson be denied (Doc. #42). Tollefson has objected to the Report and Recommendation, contending that the Magistrate Judge misinterpreted the law applicable to this case (Doc. #43).

The Court has reviewed the Report and Recommendation, along with the entire record in this matter, and finds that Magistrate Judge's position is correct. The facts and law as plead by Pladson meet the plausibility test under Aschcroft v. Iqbal, 556 U.S. 662 (2009), and therefore dismissal of the counterclaims would be inappropriate. The Court adopts the Report and Recommendation in its entirety and **ORDERS** that Tollefson's motion to partially dismiss Pladson's counterclaims is **DENIED**.

Pladson has expressed to the Court her conviction that a settlement has been reached in this matter regarding all federal claims (Doc. #57). For the Court to issue any decision based on the purported settlement, a motion must be brought demonstrating its existence, its terms, and a request for its enforcement. Should such a motion be brought, the Court will consider all pending motions

at a hearing.

IT IS SO ORDERED.

Dated this 14th day of August, 2012

/s/ Ralph R. Erickson
Ralph R. Erickson, District Judge
United States District Court